

Notice of Allowability

Application No.

10/035,356

Examiner

Daniel E Valencia

Applicant(s)

TARTAGLIA ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed August 21, 2003.
2. ☒ The allowed claim(s) is/are 1-18 and 20-32.
3. ☒ The drawings filed on 09 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
6 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☐ Interview Summary (PTO-413), Paper No. _____.
6 ☐ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☐ Other

DETAILED ACTION

Applicant's communication filed on August 21, 2003 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. All of applicant's claims are now allowable.

Allowable Subject Matter

Claims 1-18 and 20-32 are allowed.

The following is an examiner's statement of reasons for allowance: As to claim 1, the prior art alone or in combination fails to disclose or render obvious a method for encapsulating and optoelectronic device, comprising the steps of: providing a device die on a substrate, said device die including an optoelectronic device thereon, forming a volume of fluid encapsulant material over said optoelectronic device, shaping said volume of fluid encapsulant material into a shaped encapsulant covering said optoelectronic device by referencing a molding tool to at least one of said device die and said optoelectronic device, and curing said shaped encapsulant thereby forming a cured encapsulant; and removing said molding tool from the cured encapsulant. The invention of claim 1 is distinct from the prior art for two reasons: (1) neither Kragl or Kuczynski discloses the step of removing the molding tool after actively shaping and curing

the encapsulant; and (2) there would be no motivation to combine Kuczynski and Kragl, because the molding tool of Kragl would destroy the Kuczynski device.

Regarding independent claim 17, the prior art alone or in combination fails to disclose or render obvious a method for coupling an optical transmission medium to an optoelectronic device, comprising the steps of: providing an optoelectronic device on a device die on a substrate, forming a volume of fluid encapsulant material over said optoelectronic device, shaping said volume of fluid encapsulant material into a shaped encapsulant encasing said optoelectronic device by positioning a molding tool in an alignment position with respect to said device die using vision-based alignment techniques, curing said shaped encapsulant, thereby hardening said shaped encapsulant, and positioning an end face of an optical transmission medium in confronting relation with said hardened encapsulant, thereby butt-coupling said optoelectronic device to said optical transmission medium. For example, Kuczynski does not disclose or suggest the use of a molding tool used with a vision-based alignment technique used to shape the encapsulant. Additionally, there would be no reason to combine Kragl with Kuczynski.

For reasons for allowance regarding claim 18, 22, and 28, see previous Office Action mailed out January 21, 2003.

For reasons for allowance regarding claim 30, see previous Office Action mailed out May 21, 2003 (page 4, paragraph 3).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

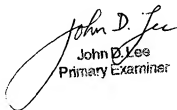
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel E Valencia whose telephone number is (703)-305-4399. The examiner can normally be reached on Monday-Friday 9:30-6:00.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.



DEV



John D. Lee
John D. Lee
Primary Examiner